

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DEBRA D. ANDRIST
Plaintiff,

v.

SAM HOUSTON STATE UNIVERSITY AND ALISA
WHITE, IN HER OFFICIAL CAPACITY AS ITS
PRESIDENT,
Defendants.

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Civil Action No. 4:22-cv-2126

PLAINTIFF'S DISCLOSURE OF EXPERTS UNDER RULE 26(a)(2)

TO: Defendants, by way of Mary B. Quimby/Assistant Attorney General/Office of the Attorney General/General Litigation Division/P.O. Box 12548/Austin, Texas 78711-2548, at Mary.Quimby@oag.texas.gov (cc: laura.hendrix@oag.texas.gov).

Pursuant to Federal Rule of Civil Procedure 26, Plaintiff here discloses any experts.

Respectfully Submitted,

SCHLEICHER LAW FIRM, PLLC
510 Austin Ave., Ste. 110
Waco, Texas 76701
(254) 776-3939

By: /s/ David R. Schleicher
David R. Schleicher
SDTX No. 38077
david@gov.law

ATTORNEYS FOR PLAINTIFF ANDRIST

Served: February 1, 2023

EXPERT WITNESS

While attorney David Schleicher is a fact witness regarding attorney fees and expenses incurred in this litigation, he also may testify as an expert that the attorney fees and expenses incurred were reasonable and necessary.

See profile at [linkedin.com/in/david-schleicher-attorney](https://www.linkedin.com/in/david-schleicher-attorney) and this background:

Schleicher Law Firm, PLLC

Managing Member

May 1996 – Present

Waco, Texas (principal office)

Representing federal employees world-wide and Texas businesses and non-profits.

Waco Tribune-Herald

Board of (editorial) Contributors

January 2013 – April 2020 (unpaid)

Waco, Texas

McLennan County Democratic Party

County Chair

February 2013 – June 2014 (unpaid)

Waco, Texas

Waco ISD Board of Trustees

Elected At-Large Member, with one year as Board President

May 2005 – May 2011 (unpaid)

One of seven elected members, and one of two at-large members, overseeing urban school district of some 15,000 students with an annual budget at the time of roughly \$145 million.

Waco, Texas

American Chemical Society

Manager, Federal & State Programs (final position)

Department of Government Relations and Science Policy

1990 – 1996

Washington, D.C.

Boothby, Ziprick & Yingst

Associate Attorney (primarily constitutional and employment law)

1989–1990

Washington, D.C.

Baylor University Office of General Counsel

Law Clerk

1988 – 1989 (part-time, while attending law school)

Waco, Texas

Bar Admissions

- District of Columbia
- Texas
- State of Washington
- All federal court districts in Texas
- Court of Federal Claims
- Court of Appeals for the Federal Circuit
- Court of Appeals for the D.C. Circuit
- Court of Appeals for the Fifth Circuit
- U.S. Supreme Court

Sample Publications

[Profile of WDTX federal district judge Robert Pitman](#)

The Federal Lawyer (magazine of the Federal Bar Association)
November/December 2020

[Profile of WDTX federal district judge Alan Albright](#)

The Federal Lawyer
September/October 2020

[Profile of Chief WDTX federal judge Fred Biery](#)

The Federal Lawyer
June 2012

[Profile of Chief WDTX district judge Walter Smith](#)

The Federal Lawyer
January 2005

Other

- 40-hour mediator training.
- Presently co-counsel in state and in federal cases defending the Texas Commission on Judicial Conduct from claims that its issuance of a warning to a judge violated constitutional rights.
- Legal work covered in publications among which are the *Washington Post*, *Washington Times*, *Federal Times*, and *Houston Chronicle*.

Education

Baylor University School of Law
J.D., 1989 (one-year overlap with undergraduate degree due to 3/3 program)
Waco, Texas

Baylor University
B.A. (Sociology), 1988
Waco, Texas

Expected testimony: Mr. Schleicher is expected to testify that it was reasonable and necessary for Plaintiff to retain the law firm for this matter and that the rates reflected in the attorney-client agreement are appropriate to the forum in which the case is being heard for an attorney with a similar level of experience. He is expected to rely on contemporaneous billing records and fees granted in other government employee cases.

He has not testified at trial or by deposition as an expert during the previous ten years.

As of billing through December 2022 (for work through November 2022), Plaintiff had paid a total of approximately \$20,794.40 out of pocket for attorney fees and expenses, taking into account the pre-paid discount reflected in the attorney-client agreement. Of that total, approximately \$716 was for expenses, consisting of filing and service fees. As of January 31, 2023, there were approximately 11.5 hours of unbilled time from work in January and one hour of unbilled paralegal work.

The attorney-client agreement provides for these rates:

Conditions	David	Paralegal
pre-paid rate (20% discount from standard rates)	\$332	\$116
standard rates (when pre-paid discount not applicable)	\$415	\$145
rate for travel between metropolitan areas (no charge for airfare or hotel either between/in larger cities)	\$0	N/A

Plaintiff will seek recovery of fees at the standard, non-discounted rates. In the event the litigation drags out over multiple years, Plaintiff may seek recovery of fees at the then-applicable standard rates for business disputes. For example, as of January 31, 2023:

Conditions	David	Paralegal
pre-paid rate (20% discount from standard rates)	\$348	\$124
standard rates (when pre-paid discount not applicable)	\$435	\$155
rate for travel between metropolitan areas (no charge for airfare or hotel either between/in larger cities)	\$0	N/A

Plaintiff is not being billed for expenses individually \$50 or under. Plaintiff is not being billed for travel time or expenses between Waco and the Houston area.

At this time there is no further written report beyond the information above, but in the event Plaintiff becomes eligible for recovery of fees, detailed time entry records will be provided.

It is possible that Mr. Schleicher's testimony may be supplemented with an affidavit or declaration from another attorney whose employment law work is focused on government employees. If so, that attorney will not be compensated for the testimony. It is expected that the testimony would be to the effect that the hourly rates claimed for work by the Schleicher Law Firm, PLLC are within a range of what would be considered reasonable and necessary.

For example, Plaintiff may offer the written testimony of David Weiser of the law firm Kator Parks Weiser & Wright. Mr. Weiser serves as the chair of KPWW's EEOC and Discrimination Practice section, and is manager of the firm's Austin, Texas office. Mr. Weiser is licensed to practice law in the State of Texas and the District of Columbia. Mr. Weiser's practice concentrates on representation of employees before state and federal courts, the EEOC, and the MSPB, in both individual and class-action litigation.

Mr. Weiser's class-action work includes prominent roles in *Durnford v. Dept. of Justice*, *Lewis v. Dept. of Transportation (FAA)*, and *McConnell v. U.S. Postal Service*. Mr. Weiser's work in individual cases includes representation of employees alleging sexual harassment, EEO retaliation, whistleblower retaliation, and discrimination based on sex, race, national origin, age, religion, and disability. Mr. Weiser has been named as a Super Lawyer in the field of Employment Litigation by Texas Monthly magazine in 2003, 2005, 2007, 2008, 2009, 2010, 2011, 2013, 2014, and 2015. He received the Texas Law Fellowships Excellence in Public Interest Award in 2007 and 2011.

Mr. Weiser graduated from the University of Texas at Austin in 1982 (with highest honors, special honors in Plan II, Phi Beta Kappa). He received his law degree from Yale Law School in 1986, where he was Senior Editor of the Yale Law and Policy Review. After law school, Mr. Weiser served as a law clerk to Judge William Wayne Justice (E.D. Texas). Mr. Weiser later was Assistant General Counsel to Texas Governor Ann Richards.

He is a frequent speaker at continuing legal education seminars sponsored by the Texas State Bar and National Employment Lawyers Association. He is a contributing author on employment law matters to the Federal Employee News Digest and related publications. Mr. Weiser is a member of the Advisory Council for the William Wayne Justice Center For Public Interest Law at the University of Texas Law School. He was a co-founder of the Austin Lawyer Chapter of the American Constitution Society. Mr. Weiser is a Fellow of the Texas Bar Foundation.

David Weiser's contact information is 1609 Shoal Creek Blvd., Suite 201/Austin, TX 78701/Phone: (512) 322-0600/Fax: (512) 473-2813/E-mail: dweiser @ katorparks.com.